

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) No. 4:14 CR 00088 RWS (SPM)
)
)
DIONNE GATLING,)
ANDRE RUSH,)
TIMOTHY RUSH, and)
LORENZO GIBBS,)
)
Defendants.)

DEFENDANTS' JOINT MOTION TO CONTINUE FRANKS HEARING

Come now Defendants, by and through counsel, and for their Motion to Continue *Franks* Hearing, state as follows:

1. The *Franks* Hearing has been tentatively scheduled to commence Wednesday morning, June 22, 2016.
2. As this Court is aware, there have been ongoing discussions as to the procedures regarding Defendants' right to subpoena certain Government witnesses pursuant to the requirements of the Government; in addition, on June 9, 2016, Defense counsel received correspondence from Nicholas P. Llewellyn, Assistant United States Attorney, concerning the precise requirements to subpoena the Government agents.
3. As a result of the requirements, there is not sufficient time for Defense Counsel to comply with the Government procedures and to have an affirmative response as to the subpoenas prior to June 22, 2016.

4. Further, there remains outstanding the issue of the use of the depositions of the Government witnesses which are subject to a Protective Order.

5. Defense counsel do not wish to have a bifurcated hearing in this matter.

6. Finally, on June 13, 2016, the Government filed its Response to Defendants' Joint Motion to Suppress Wiretaps and Defense counsel wish to file a Reply Brief in accordance with Local Court Rules.

7. In light of the foregoing, Defendants request that this Court continue the *Franks* Hearing from June 22, 2016, to a week to be determined to accommodate the schedule of the Court and for all counsel and witnesses to be present.

8. That a continuance of the *Franks* Hearing is not prejudicial to any party hereunder.

9. Undersigned counsel for Gatling has spoken with both Dean Hoag and Michael Reilly, Assistant United States Attorneys, and they have no objection to this Motion.

10. The parties are working to establish a date convenient to all counsel as well as the witnesses.

WHEREFORE, for the foregoing reasons, Defendants' request that the Court grant their Motion to Continue the *Franks* Hearing; that the Court continue the Hearing to a date convenient for the Court, all counsel and the witness; and for such other and further Orders as the Court deems proper in the premises.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of June, 2016, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Dean Hoag and Michael Reilly, Assistant United States Attorneys, 111 South 10th Street, 20th Floor, Saint Louis, Missouri 63102.

/S/ ***JoANN TROG***